IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4287 of 2005

Between:

Dr.T.V.R.C.Prasad, s/o Veda Narayana Rao,
7/2, Pandaripuram, Guntur, Guntur District.

..... PETITIONER

AND

1 The District Medical & Health Officer, Guntur,

Guntur District.
2 The Additional District Medical & Health Officer,

Narasaraopet, Guntur District.
3 The Regional Director, Medical & Health Services, Guntur.
4 The Director of Health, Government of Andhra Pradesh,

Hyderabad.
5 Dr.N.Vinod Kumar, I/c. District TB.Control Officer,
Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus or otherwise set aside the proceedings Rc.No.392/E1/2004 dated 3-3-2004 proceedings Rc.No.392/E1/2004 dated 18-3-2004, proceedings Rc.No.392/E1/2004 dated 8-4-2004 by the District Medical & Health Officer, Guntur and Proceedings

Rc.No.8092/E6A/04 dated
13-5-2004 of the Director of Health, Andhra Pradesh, Hyderabad, and declaring the orders of the Hon'ble Tribunal in O.A.No.2648/2004 dated 18-1-2005, as arbitrary, illegal, mala fide, violating principles of natural justice without jurisdiction and set aside the same in the interest of justice as otherwise I will be put to irreparable loss and injury.

Counsel for the Petitioner:PARTY-IN-PERSON

Counsel for the Respondent No.: GP FOR SERVICES I

The Court made the following :

O R D E R:

The writ petition is filed challenging the order passed by the A.P.Administrative Tribunal, Hyderabad in O.A.No.2648 of 2004, dated 18-1-2005.

2. The petitioner is a Medical Officer. According to him, he has been discharging his duties in a most effective manner. By developing the Family Planning Unit at Vinukonda, he has been doing human service to the society, but, however, he is being humiliated for various reasons, which we do not like to mention in this case. Be that as it may, the petitioner is now transferred to D.M & H.O, Vinukonda. The said order came to be challenged before the Tribunal and the Tribunal refused to interfere with the matter. Therefore, the present writ petition has been filed.

3. The party in person submits that the transfer is *mala fide.* It is only to humiliate and harass him, such a transfer has been effected by the District Medical Health Officer, Guntur. Therefore, the order is liable to be set aside.

4. We have heard the learned Government Pleader.

5. Having heard the learned counsel for the petitioner for a considerable length of time, we are of the considered view that in his own interest the transfer order cannot be said to be illegal and contrary to law. The transfer is an incidence of service and he is bound to serve anywhere in the State depending upon the requirement of administration.

6. Under those circumstances, we do not find any ground to interfere with the order passed by the Tribunal. However, keeping in view his personal and family conditions, if the petitioner wants to have a change of place of posting, we leave it open to the petitioner to make a representation before the 3rd respondent for appropriate consideration.

7. The writ petition is accordingly disposed of. No costs.

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G. Bikshapathy, J.

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P.S.Narayana, J.

Dated 21st March, 2005

mrb

To

1 The District Medical & Health Officer, Guntur, Guntur

District.
2 The Additional District Medical & Health Officer,

Narasaraopet, Guntur District.
3 The Regional Director, Medical & Health Services,

Guntur.
4 The Director of Health, Government of Andhra

Pradesh, Hyderabad.
5 The District TB.Control Officer, I/C.,
Guntur, Guntur District.

6. Two CCs to G.P for Services-I, High Court Buildings,

Hyderabad(OUT)